

# CITY OF VAUGHAN POPS GUIDELINES + STANDARDS

SAC Workshop #1  
June 13, 2024



# AGENDA

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<b>Welcome + Staff Intro</b>	<b>15 min</b>
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<b>POPS Design</b>	<b>10 min</b>
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<b>Legal Framework for POPS</b>	<b>20 min</b>
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<b>Surveys</b>	<b>10 min</b>
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<b>Breakout Room Discussions</b>	<b>45 min</b>
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<b>Report Back</b>	<b>15 min</b>
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<b>Next Steps</b>	<b>5 min</b>
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# Land Acknowledgment

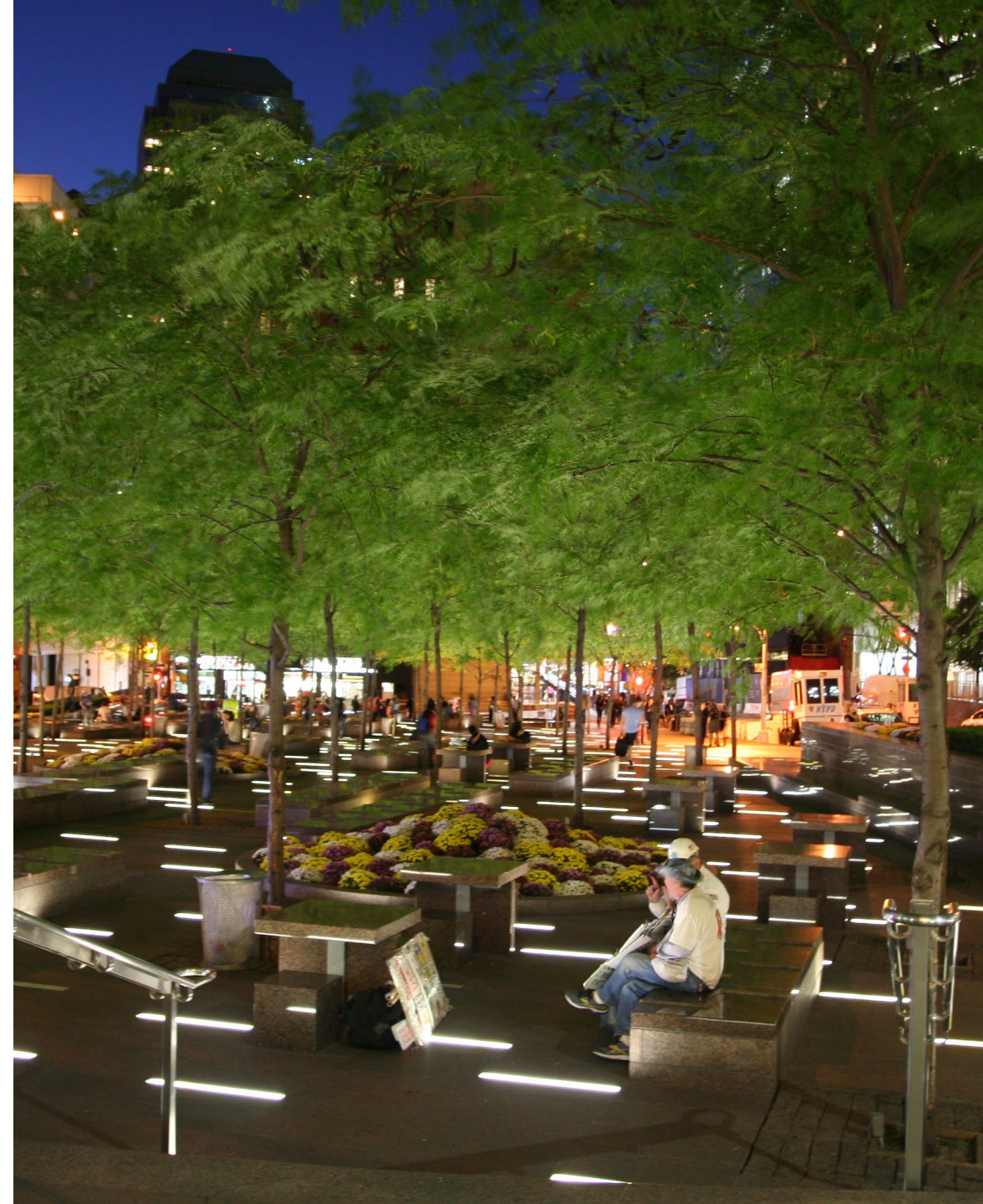
We respectfully acknowledge that the City of Vaughan is situated in the Territory and Treaty 13 lands of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and the Haudenosaunee. The City of Vaughan is currently home to many First Nations, Métis and Inuit people today. As representatives of the people of the City of Vaughan, we are grateful to have the opportunity to work and live in this territory.

**POPS Design**



# WHAT ARE POPS

- POPS = **Privately Owned Publicly Accessible Spaces**
- **Maintained** by private owners such as corporations or individuals
- Must be **accessible** for public use without any charge or barriers
- **Various typologies** including plazas, parks, atriums, midblock connections, landscape frontages, courtyards, etc.
- **Legal agreements** outline responsibilities for the owner and ensure space meet City standards



# STUDY GOAL

- Promote and foster **high-quality** and **context-sensitive** design.
- Provide detailed **guidelines** and **specifications** for design and implementation.
- Set minimum criteria around POPS to be eligible for **parkland dedication credit**.
- Address a full range of **typologies**.
- Address site design, public and private interface, access, and landscape considerations.





# OBJECTIVES

- Urban Design
- Planning
- Legal



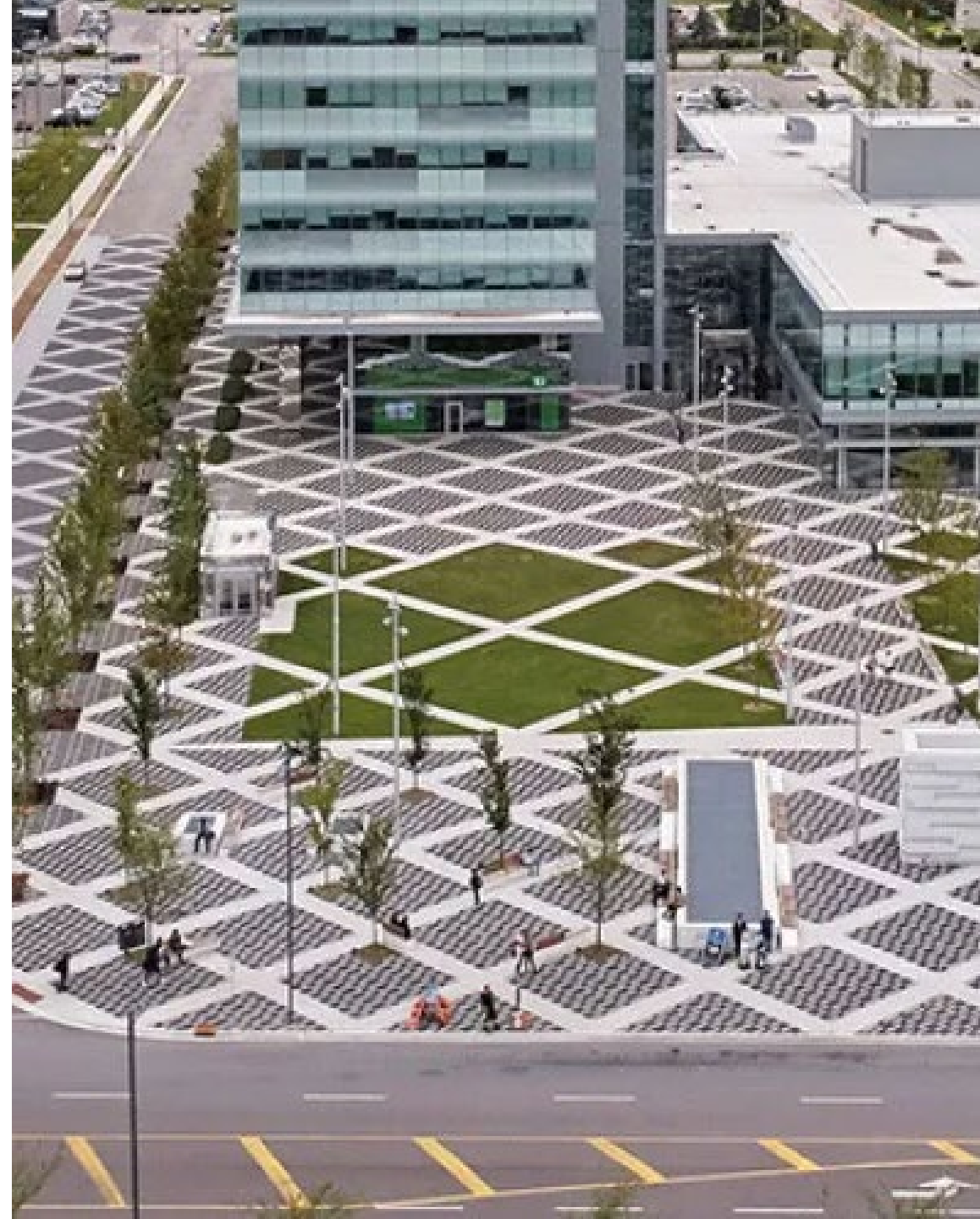
# PROJECT SCHEDULE





# CONTEXT

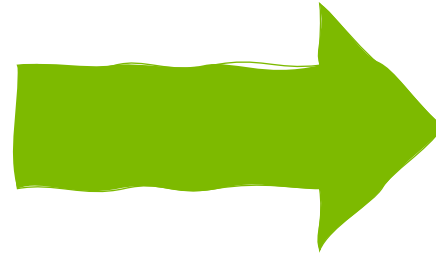
- POPS are unique in that they are a **multidisciplinary exercise** in **planning**, **urban design**, and **legal** obligations.
- Planning and urban design establish **programmatic goals** for POPS
- Legal counsel tailor POPS **easements and agreements** to address design, programmatic requirements, and relationship to surrounding land uses and the public realm.



## EVOLUTION OF KEY QUESTION

### PAST

How can POPS  
supplement and  
**complement** the  
public realm?

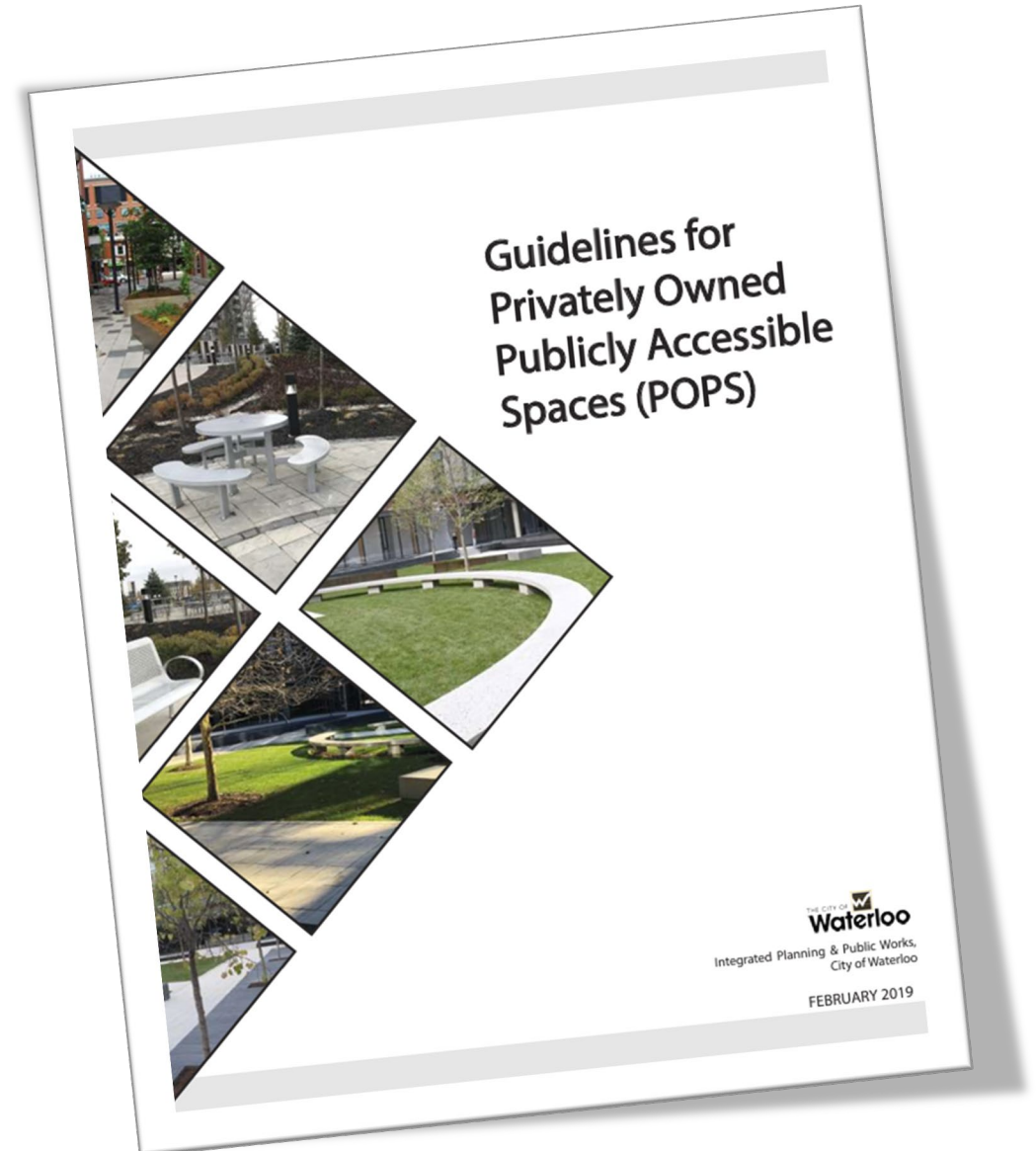
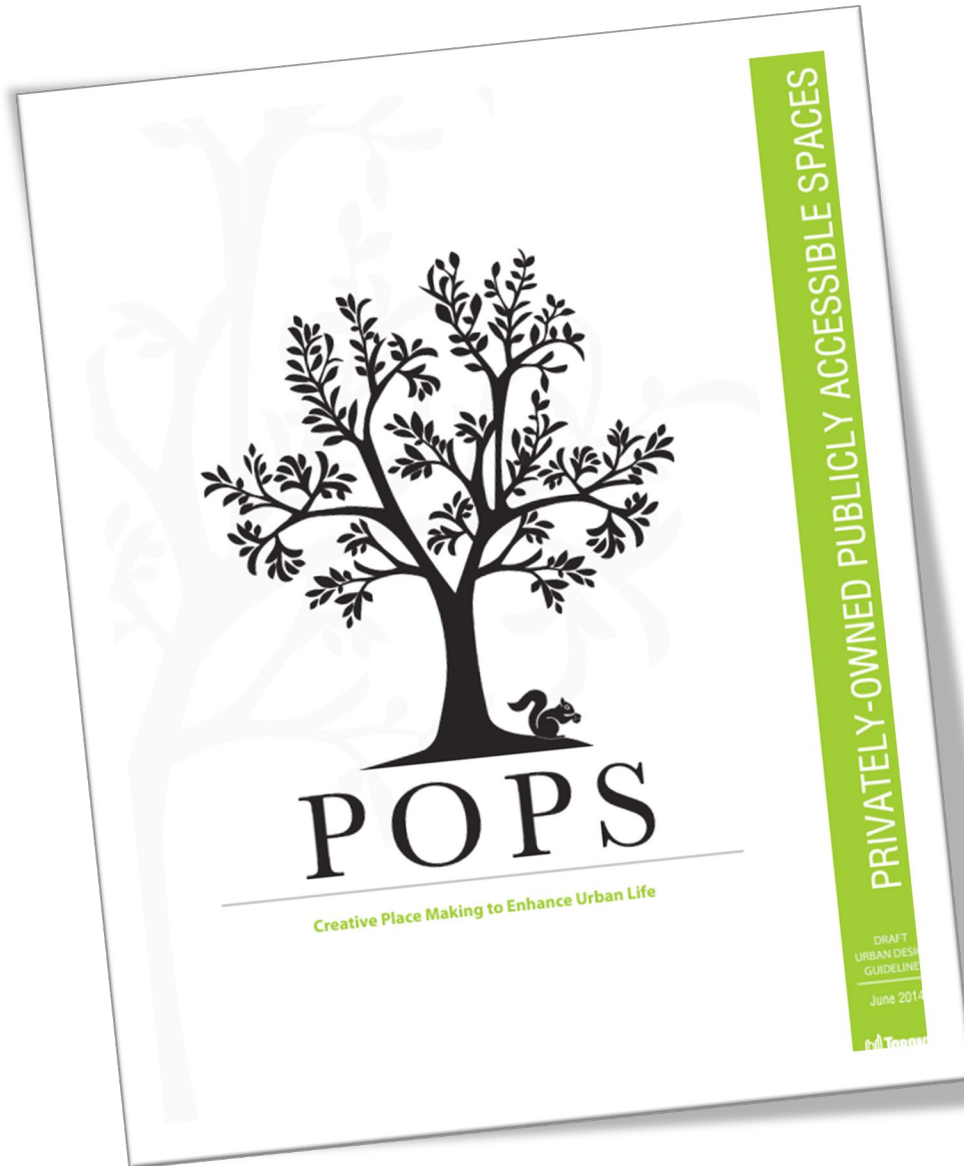


### FUTURE

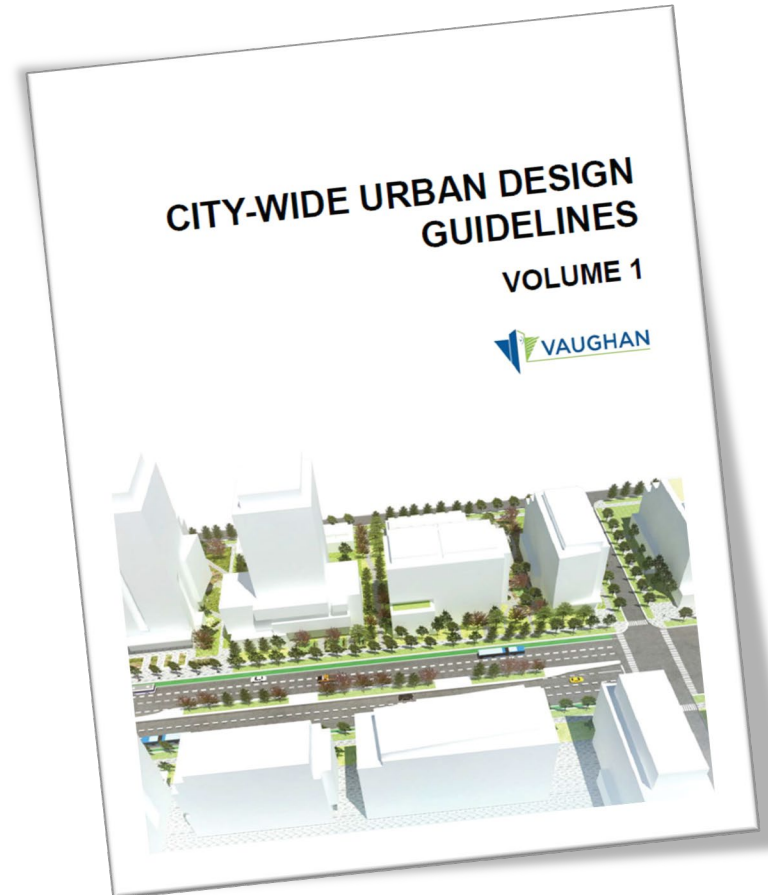
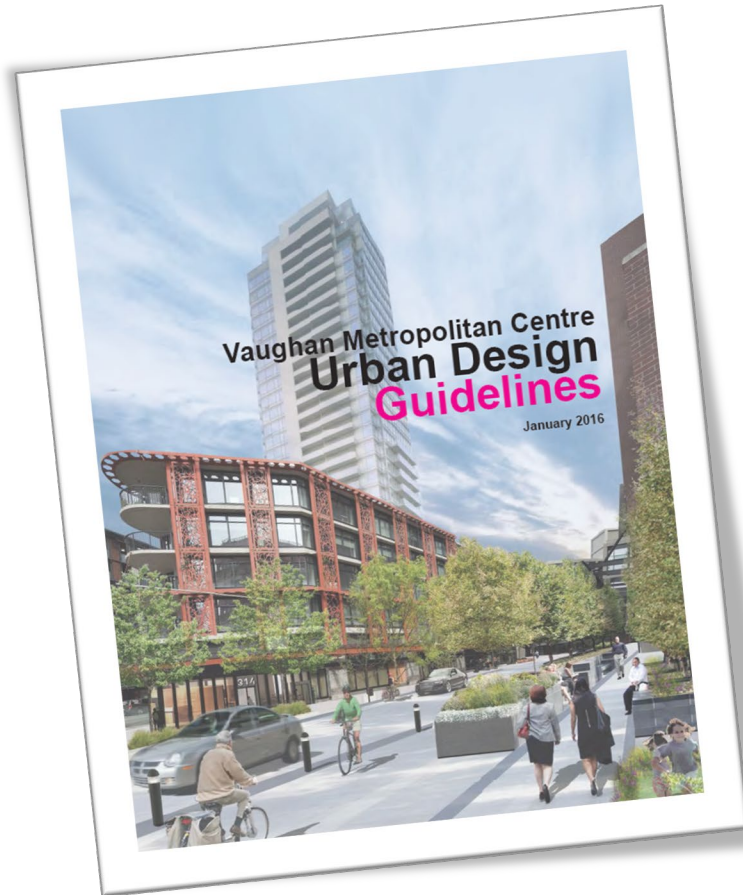
How can POPS  
serve as a  
**replacement**  
for public parks?



# POPS DESIGN GUIDELINES IN ONTARIO

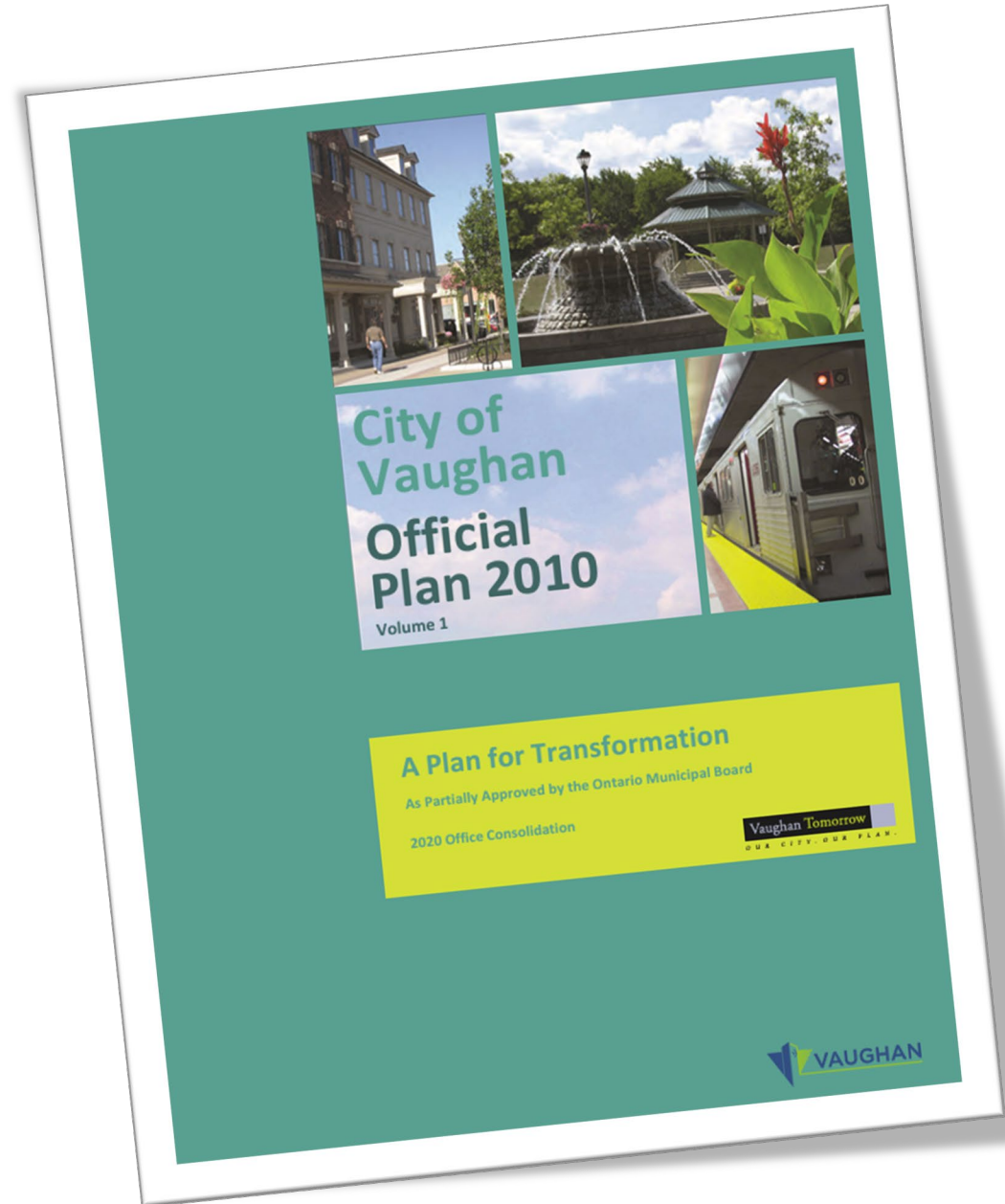


# POPS DESIGN GUIDANCE IN VAUGHAN





# POPS DESIGN REQUIREMENTS IN VAUGHAN





## POPS WITH ACTIVE FEATURES



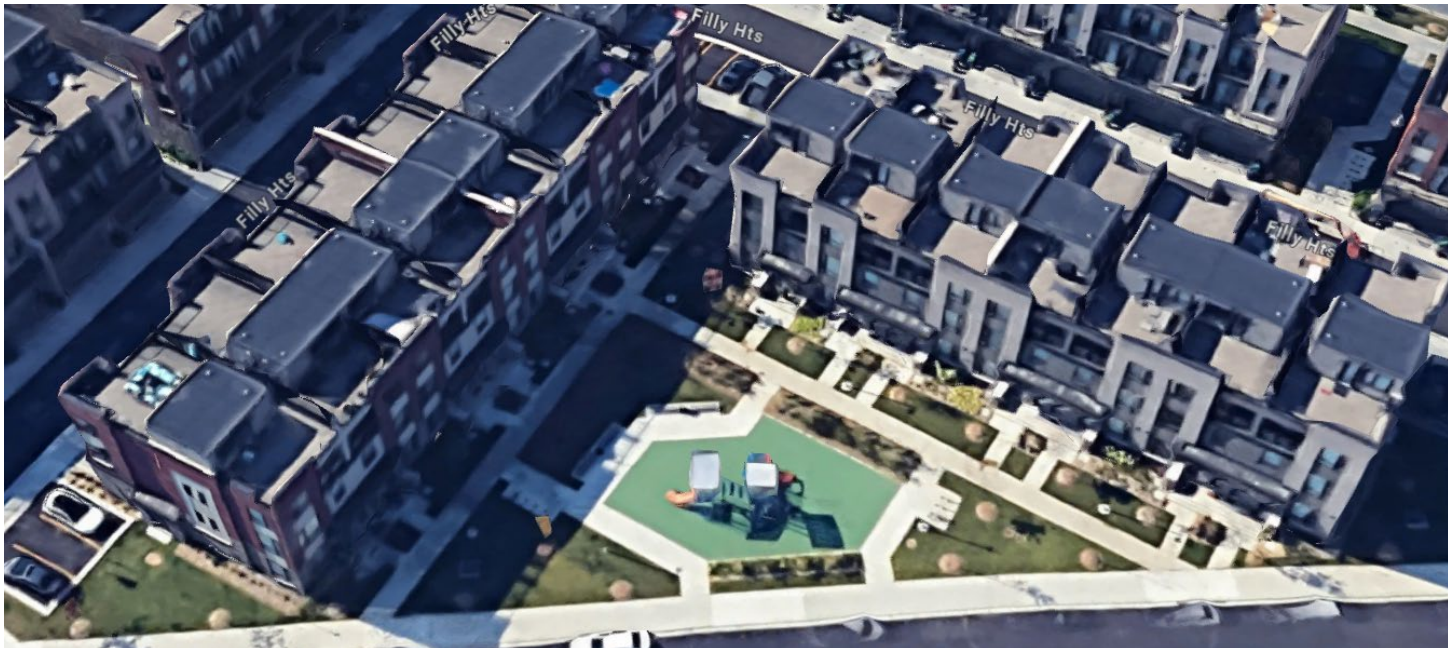


# POPS WITH ACTIVE FEATURES

**25 Adra Grado  
Way, Toronto**



**50 Humberwood  
Boulevard, Toronto**



**50 Humberwood  
Boulevard, Toronto**



# STRATA CONDITIONS



Edgeley Pond & Park, DTAH



# DESIGNING SUCCESSFUL POPS

**Spatial Characteristics**

**Programming Considerations**

**Design Considerations**





## OPERATIONS AND MAINTENANCE STANDARDS





# POPS DESIGN GUIDELINES





# Legal Framework for POPS



# DEFINITION OF POPS

## Vaughan Parkland By-law 168-2022

“privately owned public space” means open space that is privately owned and maintained but is a publicly accessible space complementing public parks or offering other public programming purposes secured by an easement with the City.”

## Vaughan Parkland Dedication Guideline Appendices (January 2022)

“POPS are privately owned spaces that are publicly accessible via legal agreements between the property owner and the municipality, and are privately operated and maintained. Municipal programming and overall control of these spaces is more limited than traditional fee-simple parks or strata parks. In essence a POPS is an extended component of the City’s open space network, but is not a public park space.”

# KEY FEATURES OF POPS

**In general, POPS have three definable characteristics:**

1. Open or landscaped space;
2. Privately owned and maintained;  
and
1. Legally required to be open and accessible to the public for general use.



79 Wellington Street West, Toronto – Toronto-Dominion Centre.  
“The Pasture” installation by Joe Fafard.



# BACKGROUND LAND USE POLICIES

## Provincial Policy Statement 2020

### Section 1.5.1

“Healthy, active communities should be promoted by:

- a) **planning public** streets, **spaces** and facilities to be safe, meet the needs of pedestrians, **foster social interaction** and facilitate active transportation and **community connectivity**;
- b) planning and providing for a full range and equitable distribution of **publicly-accessible built and natural settings for recreation, including** facilities, parklands, **public spaces, open space areas**, trails and linkages, and, where practical, water-based resources;”

## Growth Plan 2020

### Section 4.2.5.1 - Public Open Space

“**Municipalities**, conservation authorities, non-governmental organizations, and other interested parties **are encouraged to develop a system of publicly-accessible** parkland, **open space**, and trails, including in shoreline areas, within the GGH that:

- a) **clearly demarcates where public access is and is not permitted**;
- b) is based on a co-ordinated approach to trail planning and development; and
- c) is **based on good land stewardship** practices for public and **private lands**.”

# BACKGROUND LAND USE POLICIES

## Vaughan OP 2010

### Section 7.3.1 – Parks and Open Space Types

“A **hierarchy of parks and open spaces** will be provided and integrated throughout the City to support a relatively balanced distribution of facilities and activities throughout Vaughan. ... **Intensification Areas will require new and creative parkland opportunities provided on a more urban scale**, mostly in the form of Neighbourhood Parks, Urban Parks, and Public Squares. **A variety of open spaces are provided throughout the City**, ranging in size and type from small woodlots to long greenways.”

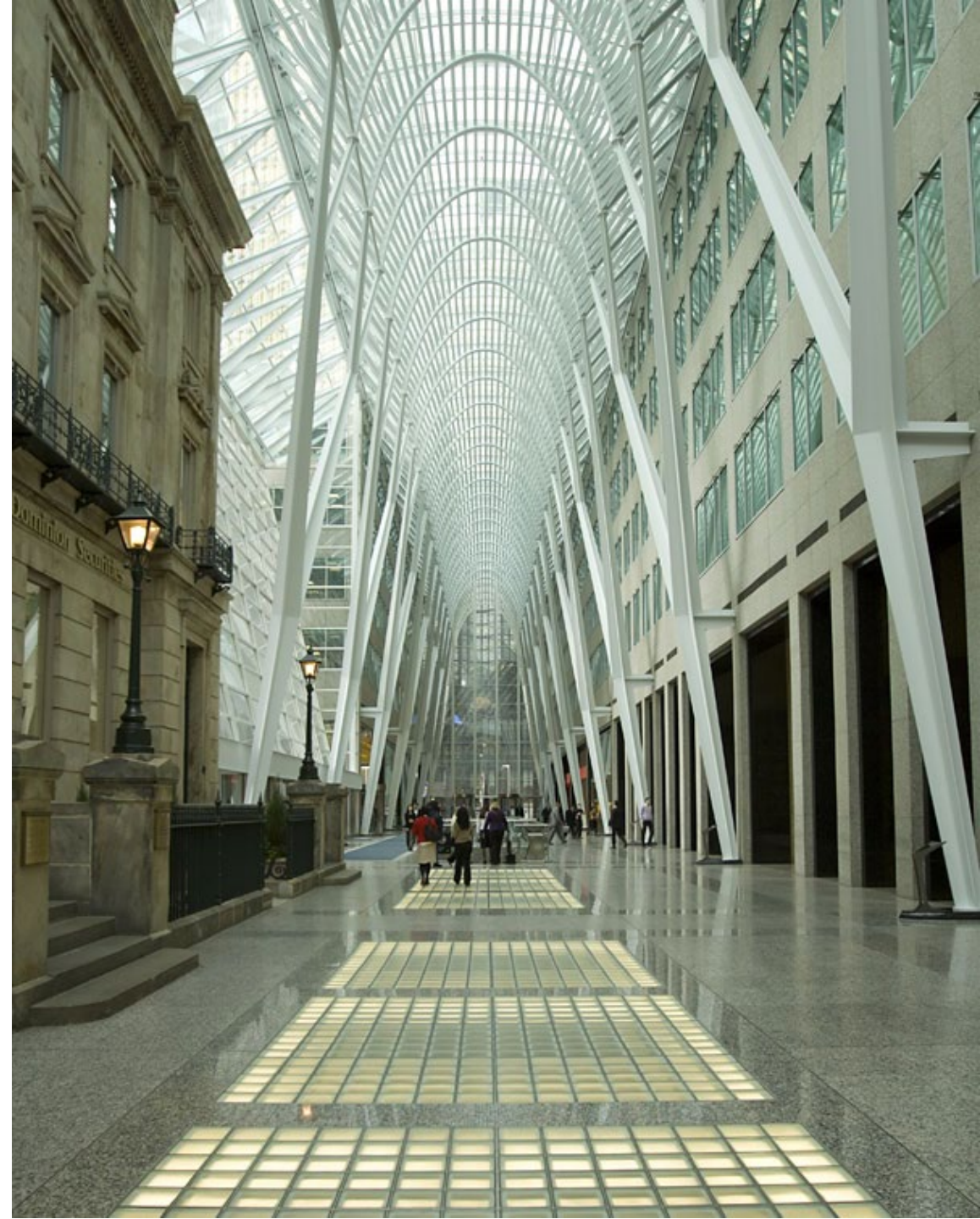


# POPS EASEMENTS AND AGREEMENTS

**POPS Secured through:**

- (1) Agreement(s) – positive obligations, use, maintenance, liability, etc.**
- (2) Easement – ensures public access and use of POPS area.**

Allan Lambert Galleria at Brookfield Place, Toronto



# POPS AGREEMENTS

## Standard Agreement Clauses related to POPS:

- (1) Construction and Timing
- (2) Conveyance of Easement
- (3) Access by General Public, Limitations, and Law Enforcement
- (4) Maintenance
- (5) Signage and Wayfinding
- (6) Indemnification of City
- (7) Liability Insurance by Owner



Shops at Don Mills Plaza, Toronto.



# POPS EASEMENTS

## Accessibility and Limitations – General Public

“x. The POPS Area shall:

(a) **remain open and accessible to the general public**, including the City, its officials, employees, and agents, **twenty four (24) hours a day, seven (7) days a week, 365 days a year**, and such access may be refused, or a person may be required to leave the POPS Area, in the case of any person who:

- (i) **unreasonably interferes** with or restricts, or attempts to unreasonably interferes with or restricts, the ability of other members of the public or lawful occupants, to access, use or enjoy the POPS Area or any portion thereof;
- (ii) carries on, or attempts to carry on, any **illegal or unlawful activity** on or within the POPS Area;
- (iii) acts in a **manner unreasonably inconsistent with the intended use** of the POPS Area as a publicly accessible right of way;
- (iv) **obstructs or injures**, or attempts to injure, any other person(s) using or enjoying the POPS Area or any portion thereof;
- (v) **harms or destroys**, or attempts to harm or destroy, any part of the POPS Area or any property rights associated therewith, and/or any property of any person(s) entitled to use or enjoy the POPS Area;
- (vi) **obstructs, damages, injures or interferes with**, or attempts to obstruct, damage, injure or interfere with, **any lawful business** or occupation carried on by, or any rights or interest of, the building owner(s) or person(s) in lawful possession or ownership of the POPS Area or any portion thereof; or
- (vii) commits any **criminal or quasi-criminal offence** or is in breach of any municipal by-law.”

# POPS EASEMENTS

## Repairs and Maintenance

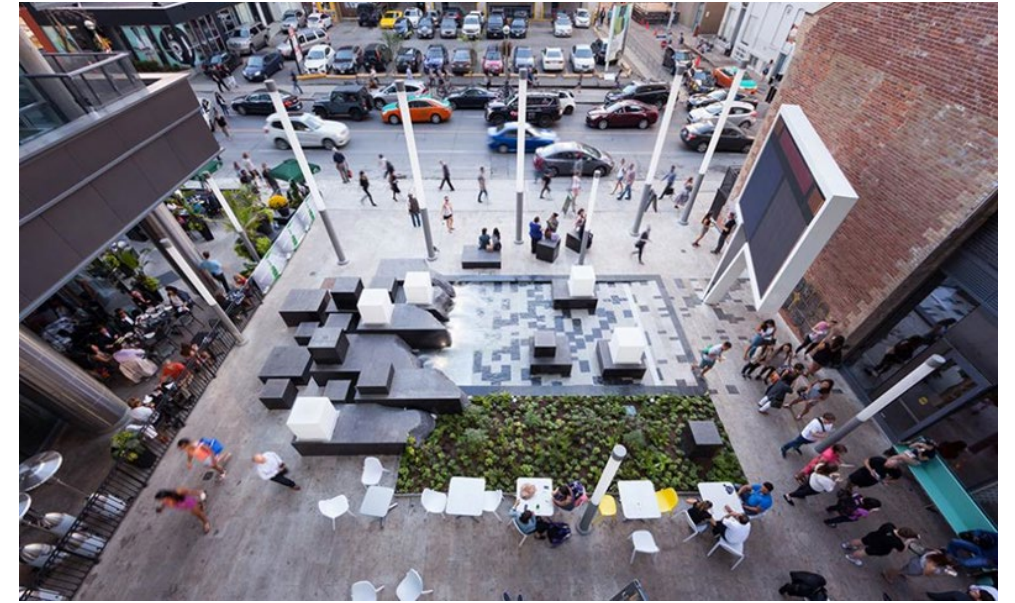
“x. The City acknowledges that the Owner may be required, from time to time, to **use or obstruct parts of the POPS Area to repair or maintain** that portion of the Development, both above and below grade. If such use or obstruction is required by the Owner, the Owner and the City shall, **in consultation, determine the permitted duration of any such use or obstruction** of the POPS Area by the Owner. The Owner covenants and agrees to proceed diligently to complete all such repairs and maintenance in a timely fashion.”



# POPS EASEMENTS

## The “Golden Rule” of POPS

“During the hours the POPS Area is open to the general public the **Owner shall not use the POPS Area** in a manner that will render the POPS Area **exclusive to the use of the Owner.**”



295 Adelaide Street West, Toronto

# ARE POPS PARKLAND?

## Vaughan Parkland By-law 168-2022

“3(4) Through the development approval process, **City Council may choose to accept land proposed as a privately owned public space at full (100%) credit towards satisfying the parkland dedication requirements** for a development or redevelopment. Consideration and provision of parkland credits for a privately owned public space shall **require the owner to enter into an agreement with the City** providing that the privately owned public space,

- a) is **designed, developed and maintained** to City standards;
- b) is **open and accessible to the public** at all times; and
- c) meets any further applicable criteria in the City’s Official Plan or Secondary Plan.”



# NEW POPS PARKLAND PROVISION IN PLANNING ACT

- Bill 23 amended Section 42 (Parkland)
- In addition to fee simple conveyances, **parkland can now include:** (s.42(4.31))
  - **Stratified** lands;
  - Lands subject to an **easement** or other restriction;
  - Lands encumbered with **below-grade infrastructure**; and
  - Non-fee simple interests (such as **Privately-Owned Publicly Accessible Spaces (POPS)**).



- To secure POPS, municipalities can **require owner to enter into agreement.** (s.42(4.32) & (4.33))

Survey



## WARM UP SURVEY

**Join on menti.com -> Use code 4295 6973**



# **Breakout Room Discussions**

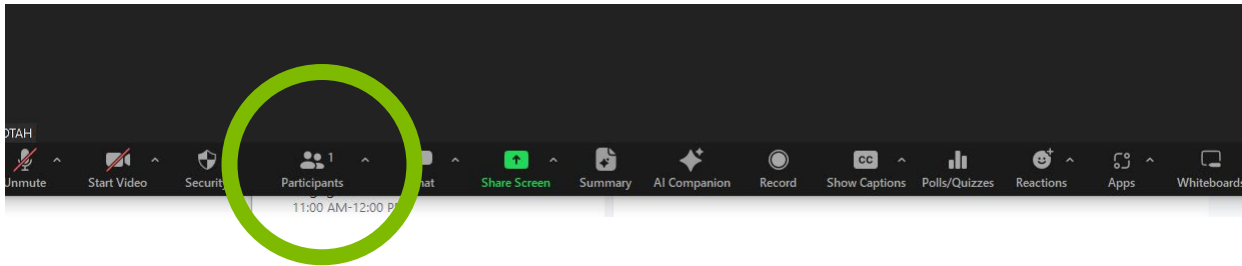


## HOUSEKEEPING

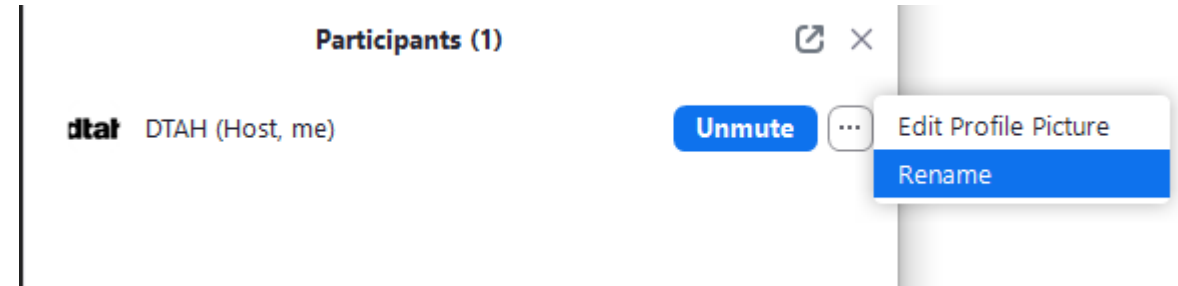
- Encourage everyone to have the chance to contribute to the discussion
- Limit discussions about your general experience. This is not the context to try to resolve issues on specific projects
- Recommend staying off-mute and with cameras on to encourage discussion
- Short round of introductions before starting the discussion

# HOUSEKEEPING

- Make sure your name and organization is visible



Bottom of Your Screen



Top Right of Your Screen



**Report Back**

**Next Steps**



## NEXT STEPS

- Virtual Community Engagement #1 (Late July)
- SAC Meeting #2 (December 2024)
- SAC Meeting #3 (March 2025)



# The Project Team

## City Team

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## Consultant Team

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# Thank you for your input!

